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CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kenneth David Erwin

Plaintiff(s),

vs.

Case No. 21-cv-1591 PJS/ECW
(To be assigned by Clerk of District Court)

**Charles Ans
YouTube Video Todavia
<http://www.youtube.com/watch?v=kqwIE9INKEc>**

DEMAND FOR JURY TRIAL

YES ☒ NO ☐

Defendant(s).

(Enter the full name(s) of ALL defendants in this lawsuit. Please attach additional sheets if necessary).

COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	Kenneth David Erwin
Street Address	1013 Sunrise Beach Dr
County, City	Polk, Amery
State & Zip Code	Wisconsin 54001
Telephone Number	(612) 710-8531

SCANNED

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U.S. DISTRICT COURT ST. PAUL

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name **Charles Ans <http://www.youtube.com/watch?v=kqwIE9INKEc>**
 Street Address **Vértiz 867**
 County, City **Narvarte Poniente, Benito Juárez 03020**
 State & Zip Code **MX**

b. Defendant No. 2

Name **Montserrat Gómez Maqueo Zaldivar**
 Street Address **Vértiz 867**
 County, City **Narvarte Poniente, Benito Juárez 03020**
 State & Zip Code **MX**

c. Defendant No. 3

Name
 Street Address
 County, City
 State & Zip Code

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal Question ☐ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

This action arises under the Act of October 19, 1976, Title I § 101, 90 Stat. 2541; 17 U.S.C. § 501; and this court has jurisdiction under the Act of June 25, 1948, c. 646, 62 Stat. 931; 28 U.S.C. § 1338, as hereinafter more fully appears.

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name: State of Citizenship:

Defendant No. 1: State of Citizenship:

Defendant No. 2: State of Citizenship:

Attach additional sheets of paper as necessary and label this information as paragraph 5.

Check here if additional sheets of paper are attached. ☐

6. What is the basis for venue in the District of Minnesota? (*check all that apply*)

☐ Defendant(s) reside in Minnesota ☐ Facts alleged below primarily occurred in Minnesota
☒ Other: explain

This is the closest court to where I live and the defendant lives in Mexico

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered

separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7.

1. In June of 2021 I became aware of a video on YouTube by Charles Ans called Todivia <http://www.youtube.com/watch?v=kqwIE9INKEc> which sampled my original song called Trip Thru Hell Part 1 which I wrote and recorded own all the copyrights and publishing for the song (Att 1) LIB congress PA0002243667

2. On June 16 2021 YouTube removed the video for a clear copyright infringement along with eight other copies of the video on YouTube. (attachment 2)

3. On June 19th 2021 I recieved and email from a Rafael Marquez of the same organization that later filed couter notificaition called. In that email chain he admitted that the video did indeed contain my copyrighted song and offered work to obtain a legal liscense to mymusic

4 On June 25th 2021, I received a YouTube counter notification from a Montserrat Gómez MaqueoZaldivar of the organization Onerpm. He requested that one of the nine Charles Ans Todaviavideos removed from YouTube for copyright infringement be put back on YouTube <http://www.youtube.com/watch?v=kqwIE9INKEc> attachment 4

5. I wrote a number of emails offering to negotiate a liscense with no response

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☒

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

Some of the demands in that action will be as follows

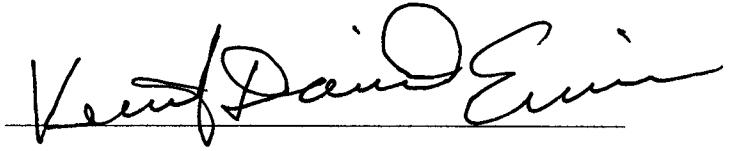
1. That CHARLES ANS, his agents and servants be enjoined, during the pendency of this action and permanently, from infringing the copyright of KENNETH DAVID ERWIN in any manner, and from publishing or placing any of his music on the internet, either by posting it on YouTube (www.youtube.com), or on any other website, or in any othermanner

2. That CHARLES ANS be required to pay to KENNETH DAVID ERWIN such damages as KENNETH DAVID ERWIN has sustained in consequence of CHARLES ANS infringement of KENNETH DAVID ERWINS copyright and to account for:

a. All gains, profits, and advantages derived by CHARLES ANS by infringement of KENNETH DAVID ERWIN copyright or such damages as the court shall deem proper within the provisions of the copyright statutes;

Signed this 9th ☐ day of July, ☐ 2021 ☐

Signature of Plaintiff



Mailing Address

1013 Sunrise Beach Dr Amery WI 54001

Telephone Number

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.